

Notice of Allowability

Application No.

10/687,049

Examiner

Filip Zec

Applicant(s)

MORGAN, LOUIS A.

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 5/4/2005.
2. ☒ The allowed claim(s) is/are 2-12.
3. ☒ The drawings filed on 16 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Randal Homburg on 5/16/2005.

The application has been amended as follows:

- In Claim 6, delete lines 3-8.
- In Claim 9, delete lines 2-9 and, in lines 31-32, delete "said first fresh water line is connected to the heat exchange unit;"

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: the prior art does not anticipate nor render obvious the combination set forth in the independent claims, and specifically does not show a double tank carbonator having an inner tank contained within an outer tank, with an insulated void between said inner tank and said outer tank, said inner tank surrounded by and attached to a set of refrigerated cooling coils attached to a refrigerant circulating system; a compressed gas line connected to a carbon dioxide cylinder, directing carbon dioxide gas to the inner tank and to a plurality of syrup pumps; a lower end of said inner tank suspended within a lower end of said outer tank by a support peg; a seal cap allowing access

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to said void through an upper end of said outer tank and a hub attached to said upper end of said outer tank said hub further penetrating into an upper end of said inner tank, a liquid hub having a central opening attaching to a perforated inner cylinder within which is inserted a fluid level probe, said fluid level probe attached within said central opening of said hub by an attaching means, said fluid level probe regulating the flow of fresh water into said inner tank through a solenoid valve.

U.S. Patent 6,698,229 to Renken et al. teaches a low volume beverage dispenser, wherein a carbonated water is used to cool the syrup through a heat exchange plate, and is also mixed with the syrup to dispense a soft drink, but it does not teach a double tank carbonator. U.S. Patent 5,715,700 to Credle, Jr. teaches a round post-mix beverage dispenser, which includes a cylindrical carbonator, still water conduits for supplying water to be carbonated, and carbonated water output coils in the form of circular courses of tubing which surround the carbonator tank in a surrounding water bath, however it fails to teach a liquid hub having a central opening attaching to a perforated inner cylinder within which is inserted a fluid level probe. U.S. Patent 5,011,700 to Gustafson et al. teaches a syrup delivery system for carbonated beverages which provides delivery of beverage syrup from a syrup container to a beverage mixer comprising a source of pressurized gas, wherein the carbon dioxide gas source which is also used to carbonate the water, is used to mix the carbonated beverage and a syrup container, said container comprising a rigid drum having an opening with a closure and a pressurizing fitting for connection to the source of pressurized gas, but it does not teach a liquid hub having a central opening attaching to a perforated inner cylinder within which is inserted a fluid level probe and the use of a double tank carbonator.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,715,700 to Credle, Jr. teaches a round drink dispenser.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is (571) 272-4815. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Filip Zec
Examiner
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CHERYL TYLER
SUPERVISORY PATENT EXAMINER

FZ